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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GEORGE WEGERS, et al.,

14 Defendants.

CASE NO. CR05-0231C

ORDER

15 This matter comes before the Court on Defendant Dale Robert Granmo's motion for release from
16 detention pending sentencing. (Dkt. No. 1018.) Having carefully considered the papers submitted by the
17 parties, as well as the transcripts of Defendant's prior detention hearings and the Court's earlier detention
18 orders in this case, and finding an additional evidentiary hearing unnecessary, the Court will DENY
19 Defendant's motion for the following reasons.

20 Defendant was indicted in June 2005, turned himself in shortly thereafter, and was released on
21 bond by the district court in Montana. However, after being arraigned in Seattle, the magistrate judge
22 conducted a new detention hearing and ordered him detained pending trial due to his heavy
23 methamphetamine use while constantly armed, as well as an uncharged incident in which he allegedly
24 assaulted a member of a rival club with an axe and blowtorch. (*See generally* Dkt. Nos. 187, 242.) This
25 Court affirmed the magistrate judge's detention order, as did the Ninth Circuit. (Dkt. Nos. 243, 483.)

26 ORDER – 1

1 On April 27, 2006, Defendant pled guilty to one count of participating in a conspiracy to kidnap a
2 member of a rival motorcycle gang in violation of 18 U.S.C. §§ 1959(b)(1) and 1961(1). (Dkt. No. 999.)
3 Under the facts admitted in the plea agreement, Defendant carried a firearm into the victim's motorcycle
4 shop, helped to surround the victim while a fellow Bandido intimidated and threatened the victim, and
5 then drove the victim to retrieve his gang "colors." (See Dkt. No. 999, ¶¶ 7.a-c.) This offense carries a
6 maximum penalty of ten-years' imprisonment, and the plea recites the parties' agreement "that the
7 appropriate sentence to be imposed by the Court is imprisonment for not more than twenty-four (24)
8 months." (*Id.* ¶ 8.) Defendant will be sentenced on August 11, 2006.

9 Because Defendant is charged with an offense for which the maximum term of imprisonment is at
10 least ten years, he cannot be released unless (1) "there is a substantial likelihood that a motion for
11 acquittal or new trial will be granted," or (2) the government "has recommended that no sentence of
12 imprisonment be imposed." 18 U.S.C. § 3142(f)(1)(A); 18 U.S.C. § 3143(a)(2)(A). Defendant has not
13 filed a motion for acquittal or a new trial, and the government intends to seek the full twenty-four-month
14 term of imprisonment authorized by the plea agreement. Thus, regardless of whether Defendant still
15 poses a danger the community, § 3143(a)(2)(A) precludes Defendant's release. The Court therefore
16 DENIES Defendant's motion and ORDERS that he remain in custody pending sentencing.

17 SO ORDERED this 31st day of May, 2006.

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19 A handwritten signature in black ink, appearing to read "John C. Coyner", written over a horizontal line.

20 UNITED STATES DISTRICT JUDGE
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